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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,167	10/23/2001	Bert Boehler	P01,0335	7809

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SCHIFF HARDIN, LLP  
PATENT DEPARTMENT  
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CHICAGO, IL 60606-6473

EXAMINER
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BONSHOCK, DENNIS G

ART UNIT	PAPER NUMBER
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2173

SHORTENED STATUTORY PERIOD OF RESPONSE	MAIL DATE	DELIVERY MODE
3 MONTHS	02/27/2007	PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

If NO period for reply is specified above, the maximum statutory period will apply and will expire 6 MONTHS from the mailing date of this communication.

**Office Action Summary**

Application No.

10/038,167

Applicant(s)

BOEHLER ET AL.

Examiner

Dennis G. Bonshock

Art Unit

2173

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 27 December 2006.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 4-9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 4-9 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: \_\_\_\_\_

***Non-Final Action***

***Response to Amendment***

1. It is hereby acknowledged that the following papers have been received and placed on record in the file: Amendment as received on 12-27-2006.
2. Claims 1-9 have been examined.

Status of Claims:

Claims 1, 4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito in view of Fenster et al. (USPN: 6,461,298 B1) hereinafter Fenster.

Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Yamamoto (USPN: 6,725,215).

Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Rosenberg (USPN: 6,259,382).

Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Roberts (USPN: 6,601,055).

Claims 2 and 3 have been cancelled by the applicant.

***Claim Objection***

3. Claim 6 is objected to minor informality. The symbol associated with 45 degree angle needs to be corrected.

**Claim Rejections - 35 USC § 103**

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patent ability shall not be negative by the manner in which the invention was made.

5. Claims 1, 4, and 9 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito in view of Fenster et al. (USPN: 6,461,298 B1) hereinafter Fenster.

It seems that the user using the mouse to re-position a cursor on the screen, would cover the limitations of claim one. Here the user is able to move (*allowing influencing*) the cursor displayed on the screen (*the display of said image on said display unit*) via a computers processing of how the mouse was moved in a certain direction (UP, UP/RIGHT, RIGHT, RIGHT/DOWN, DOWN, DOWN/LEFT, LEFT, AND LEFT/UP) and effecting a corresponding move of the displayed cursor (*by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse*). However, as this is a rather broad reading of the

Art Unit: 2173

claims the rejection, the rejection more closely related to the field of the applicant specification is recited below.

6. As per claim 1, Saito discloses a diagnostic device comprising:

An arrangement for generating raw data representing an object is taught by Saito as the technique of in display area 2, the image display are 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 4, lines 1-6 and see Fig. 1);

A computer supplied with said raw data for calculating image data from said raw data is taught by Saito as the technique of a display screen of an image display section is divided into an image display area and operation panel display area 2, the image display are 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 3 line 66 to col. 4 line 6 see Fig. 1);

An imaging system connected to said computer and supplied with said image data for generating input signals from said image data is taught by Saito as the technique of image display section 21 connected to CPU 27 and supplied with Image Input Interface 25 (see Fig. 3);

An input device connected to said imaging system and having a user operable mouse is taught by Saito as the technique of pointing unit 24 including mouse, keyboard connected to image display section 21 (see Fig. 3);

A display unit connected to said imaging system and supplied with said image data for generating input signals for displaying an image containing said object dependent on said image data for generating input signals is taught by Saito as the technique of a display screen of an image display section is divided into an image display area and operation panel display area 2, the image display area 1 is divided into three sections, namely, an upper part, a middle part and a lower part. An image imaged by an X-ray CT apparatus, for example, is displayed on the upper part as a base area, an image imaged by an MRI apparatus, for example, is displayed on the middle part as a match area 4 (see col. 3 line 66 to col. 4 line 6 see Fig. 1);

Said imaging system allowing influencing of the display of said image on said display unit by a plurality of control functions via said mouse is taught by Saito as the technique of the operation panel display 2 is composed of a control area 6, a rendering area 7, a mouse mode area 8 (see col. 4, lines 12-14), wherein the mouse mode area 8 is provided with mouse mode selecting keys 43 for selecting respective modes, mentioned later, and a display panel 49 to be displayed according to a mode selected by the mouse mode selecting keys 43 (see col. 4, lines 28-32).

Saito discloses the invention wherein said arrangement for generating raw data comprises an arrangement for generating raw data representing a volume of said object is taught by Saito as the technique of a three dimensional pseudo image is formed

based on the coaxial tomogram data for plural pieces in the image processing section (see col. 6, lines 1-3), wherein said computer comprises a computer for calculating image data representing a three-dimensional image from said raw data wherein said imaging system comprises an imaging system for generating image signal from said image data and wherein said detector alters the display of said three-dimensional image on said display unit dependent on said movement of said mouse in one of said plurality of predetermined directions as the technique of the CPU 27 calculates a coordinate transform matrix such that the positions of the fit points set on the base images coincide with the positions of the corresponding fit point set on the match images, and aligns the match images with the base images based on the coordinates transformation matrix and displays them, and composes both the aligned images so as to form fusion images (see col. 22, lines 14-21), an electrical configuration of a medical image processing apparatus as shown in Fig. 3, and it has an image display section 21 composed of a monitor unit for displaying images, operation panel, etc. in the above area, a driver, etc., an image processing section 22 is forming a three dimensional pseudo image based on a plurality of two dimensional images imaged by the modalities such as the X-ray CT apparatus and MRI apparatus so as to display the three dimensional image on the image display section 21 (see col. 5, lines 16-19), and fit point changing keys 81 for changing the fit points displayed on the fit point coordinate display section 82, and a delete key 83 for canceling the fit points set to the base images displayed on the fit point number display section 80 (see col. 20, lines 19-24). This claim is therefore rejected for the reasons as set forth above.

Saito discloses the limitation of wherein said control functions include rotating said object in said three dimensional image, zooming of said object in said three dimensional image (see column 10, lines 9-15) (also see applicants admission that this is a generally known control function in RCE 12/27/2006, page 7, lines 17-18), rotating a clip plane in said three dimensional image (see column 4, lines 58-67) (also see applicants admission that this is a generally known control function in RCE 12/27/2006, page 7, lines 17-18), and displacing a clip plane in said three dimensional image (see column 4, lines 58-67) (also see applicants admission that this is a generally known control function in RCE 12/27/2006, page 7, lines 17-18).

Saito, however, does not disclose the limitation of said image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit.

Fenster discloses the limitation of said image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control



Art Unit: 2173

function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit as the techniques of Figs 8a-8c show the model and three dimensional image within the main window display undergoing a rotation about a vertical axis as graphical input device 38 is moved to drag the cursor across the main window from mid right to mid left. Figs 9a to 9C show the model and three dimensional image within the main window display undergoing a rotation about a axis, angle at about 30 degree to the horizontal and slop up and to the right, as the graphical input device 38 is move to drag the cursor across the main window from top left to bottom right (see col. 13, lines 22-31 and see Figs. 8A-8C and 9A-9C). Fenster further teaches, in column 19, lines 49-58, multiple different functions being implemented (specifically rotation and translation) through the use of the different movement directions of the mouse.

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Fenster's teaching of image system influencing of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse, said input device having a detector which detects a movement of said mouse in one of said plurality of predetermined directions and said image system selecting the control function uniquely associated with said one of said plurality of said predetermined directions detected by said detector, to alter the display of said image on said display unit into that Saito imaging system invention. By doing so, the system

would be enhanced by providing user the sense of taking hold of the display image and modifying its depiction based on the object manipulation functionality tool through a quick and simple of cursor manipulation. Thus, the system would provide an enhance tool in graphical based user interface to an end user.

7. As per claim 4, the limitation of wherein said detector automatically switches from one of said control functions to another upon a brief actuation of said mouse in said one of plurality of predetermined directions is taught by Saito as the technique of when the operator clicks the display mode switching key 41, the CPU 27 switches the display mode from the MPR display mode which is initial setting state to the surface display mode (see col. 19, lines 50-53). This claim is therefore rejected for the reasons set forth above.

8. As per claim 9, Saito discloses the invention substantially as claimed above. Saito-Isaacs, however, does not disclose the limitation of said imaging system selects one of said control functions exclusively dependent on said one of said predetermined directions detected by said detector.

Fenster discloses the limitation of said imaging system selects one of said control functions exclusively dependent on said one of said predetermined directions detected by said detector as the technique of if a mouse is used in combination with a keyboard and a keyboard input is used to signify that it is desired to rotate a plane, the fixed point of rotations of the plane can be determined by the position of the mouse when it is

Art Unit: 2173

clicked and the keyboard input signifying rotation of the plane is selected (see col. 19, lines 51-56) wherein the drag distance and drag direction values are used by the display module 92 to rotate the three dimensional image (see col. 13, lines 1-3).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to combine Fenster's teaching of said imaging system selects one of said control functions exclusively dependent on said one of said predetermined directions detected by said detector into that Saito invention. By doing so, the system would be enhanced by providing user capability of display another structural images correspond to different direction of dragging.

9. Claim 5 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Yamamoto (USPN: 6,725,215).

10. As per claim 5, Saito and Fenster disclose the invention substantial as claimed above. Saito and Fenster, however, do not disclose the limitation of wherein said detector comprises a detector for detecting four defined directions, respectively corresponding to different control functions, by gesture selection.

Yamamoto discloses the limitation of a detector for detecting four defined directions, respectively corresponding to different control functions, by gesture selection as the technique of the set of cursor keys 302 comprises an up-move key 311, a down-move key 313, a left-move key 312 and a right move key 314 for moving a cursor in the up, down, left and right directions, respectively (see col. 11, lines 43-46), channel 15 will

Art Unit: 2173

be sequentially selected every time an up-move key is presses (see col. 11, lines 57-58), the down-move key 313 to change the channel number (see col. 12, lines 9-10), and when the user operation panel including the up/down and left/right keys for moving the cursor in the corresponding directions as shown in Fig. 3, the cursor movement operation in the left/right direction may be assigned for the movement operation along the time axis. For example, the left-move key may be assigned to the shifting operation toward a program just before the current program in the virtual channel, and the right-move key may be assigned to the shifting operation toward a program just alter the current program in the virtual channel (see col. 12, lines 44-53).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Yamamoto's teaching of a detector for detecting four defined directions, respectively corresponding to different control functions, by gesture selection into that of Saito and Fenster. By doing so, the system would be enhanced by allowing user to change the content of the data based on selection detected by keyed control direction.

11. Claim 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Rosenberg (USPN: 6,259,382).

12. As per claim 6, Saito and Fenster disclose the invention substantial as claimed above. Saito and Fenster, however, do not disclose the limitation of wherein said

Art Unit: 2173

plurality of predetermined directions are respectively oriented at angle 45 degree relative to a Cartesian coordinate system.

Rosenberg discloses the limitation of plurality of predetermined directions are respectively oriented at angle 45 degree relative to a Cartesian coordinate system as the technique of constraining motion to perpendicular or 45-degree angle directions (see col. 32, lines 64-65).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Rosenberg's teaching of 45-degree angle constraining directions into that of Saito and Fenster. By doing so, the system would be enhanced by providing certain edges or regions on the object. Thus, when a cursor or a mouse movement passes through certain region, it would provide feedback to its end user.

13. Claims 7 and 8 are rejected under 35 U.S.C. 103(a) as being unpatentable over Saito et al. (USPN: 5,954,650) hereinafter Saito and Fenster in view of Roberts (USPN: 6,601,055).

14. As per claim 7, Saito and Fenster disclose the invention substantial as claimed above. Saito and Fenster, however, do not disclose the limitation of upon right-clicking of said mouse causes a text menu to be displayed on said display which symbolizes said plurality of predetermined directions and includes associated text explanations.

Roberts discloses the limitation of upon right-clicking of said mouse causes a text menu to be displayed on said display which symbolizes said plurality of predetermined directions and includes associated text explanations as the technique of the user can right-click with the mouse on the node name and obtain detailed information on that

Art Unit: 2173

node. For example, if the user viewing a screen like Fig. 45 were to click on the "Age in 5 year intervals" box 26, the user may be presented with a screen like the one depicted in Fig. 46 (see col. 45, lines 35-40 and see Fig. 45-46) and the user can click a button on the group of buttons associated with text explanation of: Breast Cancer, Risk Factor, Physical Hx, and Mammography (see Fig. 44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roberts' teaching of upon right-clicking of said mouse causes a text menu to be displayed on said display which symbolizes said plurality of predetermined directions and includes associated text explanations into that of Saito and Fenster. By doing so, the system would be enhanced by providing detailed text menu buttons tool to an end user wherein the end user can easily perform selection by single click operation.

15. As per claim 8, Saito and Fenster disclose the invention substantially as claimed above. Saito and Fenster, however, do not disclose the limitation of upon briefly right-click of said mouse, displays a text menu identifying said plurality of control functions on said display.

Roberts discloses the limitation of upon briefly right-click of said mouse, displays a text menu identifying said plurality of control functions on said display as the technique of the user can right-click with the mouse on the node name and obtain detailed information on that node. For example, if the user viewing a screen like Fig. 45 were to click on the "Age in 5 year intervals" box 26, the user may be presented with a

screen like the one depicted in Fig. 46 (see col. 45, lines 35-40 and see Fig. 45-46) and the user can click a button on the group of buttons associated with control functions of: Breast Cancer, Risk Factor, Physical Hx, and Mammography (see Fig. 44).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to include Roberts' teaching of upon briefly right-click of said mouse, displays a text menu identifying said plurality of control functions on said display into that of Saito and Fenster. By doing so, the system would be enhanced by providing control functions of menu buttons to an end user wherein the end user can easily perform by single click selection operation.

### ***Response to Arguments***

16. The arguments filed on 12-27-2006 have been fully considered but they are not persuasive. Reasons set forth below.

17. The applicants' argue that the other two control functions are not disclosed in the Fenster references, as being uniquely associated with different directions of movement of a mouse cursor.

18. In response, the examiner respectfully submits that applicant admits that these are generally known control functions (see RCE 12/27/2006, page 7, lines 17-18).

Furthermore, Saito discloses zooming of said object in said three dimensional image (see column 10, lines 9-15), rotating a clip plane in said three dimensional image (see column 4, lines 58-67), and displacing a clip plane in said three dimensional image (see column 4, lines 58-67). Fenster discloses the limitation of said image system influencing

Art Unit: 2173

of the display of said image on said display unit by a plurality of different control functions respectively uniquely associated with different predetermined movement directions of said mouse (supra), and further teaches, in column 19, lines 49-58, multiple different functions being implemented (specifically rotation and translation) through the use of the different movement directions of the mouse.

### ***Conclusion***

19. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Dennis G. Bonshock whose telephone number is (571) 272-4047. The examiner can normally be reached on Monday - Friday, 6:30 a.m. - 4:00 p.m.


20. If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kristine Kincaid can be reached on (571) 272-4063. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.



Art Unit: 2173

21. Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

2-20-07  
dgb



**RAYMOND J. BAYERL**  
**PRIMARY EXAMINER**  
**ART UNIT 2173**